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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,116	03/31/2004	Alan K. Prichard	030048128US	5148

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
FERGUSON, MICHAEL P	
ART UNIT	**PAPER NUMBER**
3679	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,116	PRICHARD, ALAN K.	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *27 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *07/06/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, claims 29-48, in the reply filed on September 27, 2005 is acknowledged.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 46 and 48 are objected to because of the following informalities:

Claim 46 (line 1) recites "The system". It should recite --The aircraft--.

Claim 48 (line 1) recites "The system". It should recite --The aircraft--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 29-33,35-39,41-43,45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Gapp et al. (US 3,848,389).

As to claim 29, Gapp et al. disclose a system of joined structures, comprising:

a first structure **1** having a first aperture, the first aperture having a first interior surface and a first minimum radial extent;

a second structure **2** having a second aperture, the second aperture having a second interior surface and a second minimum radial extent at least approximately the same as the first minimum radial extent; and

a coupling device **4** having a first section **9** extending through the first aperture and a second section **8** extending through the second aperture, but not extending into the first aperture, the first section of the coupling device having at least one of a hardness, toughness, and density greater than that of the second section of the coupling device, and wherein a portion of the second section has a greater radial extent than the first section (Figure 1, column 1 lines 27-30).

As to claim 30, Gapp et al. disclose a system wherein the portion of the second section **8** applies a first radial force to the second interior surface and the first section **9** applies no radial force to the first interior surface or the first section applies a second radial force to the first interior surface, the second radial force being less than the first radial force (Figure 1, column 1 lines 27-30).

As to claim 31, Gapp et al. disclose a system wherein the first section **9** is not in contact with the first interior surface (Figure 1, column 1 lines 27-30).

As to claim 32, Gapp et al. disclose a system wherein the coupling device includes a rivet **4** (Figure 1).

As to claim 33, Gapp et al. disclose a system wherein the coupling device **4** includes a metallic material.

As to claim 35, Gapp et al. disclose a system wherein the first section **9** of the coupling device **4** includes a head **3** and a shank portion **4**, and wherein the first aperture includes a countersunk portion for receiving the head (Figure 1).

As to claim 36, Gapp et al. disclose a system wherein the first section **9** of the coupling device **4** includes a head **3** and a shank portion **4**, and wherein the head has a radial extent greater than a radial extent of at least a portion of the first aperture (Figure 1).

As to claim 37, Gapp et al. disclose a system wherein the second section **8** of the coupling device **4** includes a shank portion and a tail **7**, the tail extending out of the second aperture, the tail having a radial extent greater than a radial extent of at least a portion of the second aperture (Figure 1).

As to claim 38, Gapp et al. disclose a system wherein:

the first section **9** of the coupling device **4** includes a head **3** and a shank portion **4**, the head having a radial extent greater than a radial extent of at least a portion of the first aperture; and

wherein the second section **8** of the coupling device includes a shank portion and a tail **7**, the tail extending out of the second aperture, the tail having a greater radial extent than a radial extent of at least a portion of the second aperture (Figure 1).

As to claim 39, Gapp et al. disclose a system wherein:

the first section **9** of the coupling device **4** includes a head **3** and a shank portion **4**, the head having a radial extent greater than a radial extent of at least a portion of the first aperture; and

wherein the second section **8** of the coupling device includes a shank portion and a tail **7**, the tail extending out of the second aperture, the tail having a greater radial extent than a radial extent of at least a portion of the second aperture; and wherein the first and second structures are clamped together by the head and the tail (Figure 1).

As to claim 41, Gapp et al. disclose a system comprising a vehicle, and wherein the coupling device, the first structure, and the second structure are installed in the vehicle (column 1 lines 8-11).

As to claim 42, Gapp et al. disclose a system of joined structures, comprising:

a first structure **1** having a first aperture, the first aperture having a first interior surface and a first minimum radial extent;

a second structure **2** having a second aperture, the second aperture having a second interior surface and a second minimum radial extent at least approximately the same as the first minimum radial extent; and

a coupling device **4** having a first section **9** extending through the first aperture and a second section **8** extending through the second aperture, but not extending into

the first aperture, the first section of the coupling device having at least one of a hardness, toughness, and density greater than that of the second section of the coupling device, and wherein a portion of the second section applies a first radial force to the second interior surface and the first section applies no radial force to the first interior surface or the first section applies a second lesser radial force to the first interior surface (Figure 1, column 1 lines 27-30).

As to claim 43, Gapp et al. disclose a system wherein the portion of the second section **8** has a greater radial extent than the first section **9** (Figure 1, column 1 lines 27-30).

As to claim 45, Gapp et al. disclose an aircraft, comprising:

a first structure **1** having a first aperture, the first aperture having a first interior surface;

a second structure **2** having a second aperture, the second aperture having a second interior surface, the first aperture having a minimum radial extent at least approximately the same as a minimum radial extent of the second aperture; and

a coupling device **4** having a first section **9** extending through the first aperture and a second section **8** extending through the second aperture, but not extending into the first aperture, the first section of the coupling device having at least one of a hardness, toughness, and density greater than that of the second section of the coupling device, and wherein a portion of the second section has a greater radial extent than the first section (Figure 1, column 1 lines 27-30).

As to claim 46, Gapp et al. disclose an aircraft wherein the portion of the second section **8** applies a first radial force to the second interior surface and the first section **9** applies no radial force to the first interior surface or the first section applies a second lesser radial force to the first interior surface (Figure 1, column 1 lines 27-30).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 34,44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gapp et al.

As to claim 34, Gapp et al. fail to disclose a system wherein the first structure includes a composite material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as disclosed by Gapp et al. to have a first structure including a composite material as such material is a well-known, widely used and commercially available material within the art.

As to claim 44, Gapp et al. fail to disclose a system wherein the first structure includes a composite material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as disclosed by Gapp et al. to have a first structure including a composite material as such material is a well-known, widely used and commercially available material within the art.

As to claim 47, Gapp et al. disclose an aircraft, comprising:

a first structure **1** having a first aperture, the first aperture having a first interior surface and a first minimum radial extent;

a second structure **2** including a metallic material, the second structure having a second aperture, the second aperture having a second interior surface and a second minimum radial extent at least approximately the same as the first minimum radial extent; and

a coupling device **4** having a first section **9** extending through the first aperture and a second section **8** extending through the second aperture, but not extending into the first aperture, the first section of the coupling device having at least one of a hardness, toughness, and density greater than that of the second section of the coupling device, wherein:

a portion of the second section has a greater radial extent than the first section so that the portion of the second section applies a first radial force to the second interior surface and the first section applies no radial force to the first interior surface or the first

section applies a second lesser radial force to the first interior surface; and wherein the first section of the coupling device includes a head **3** and a shank portion **4**, the head having a radial extent greater than a radial extent of at least a portion of the first aperture; and

wherein the second section of the coupling device includes a shank portion and a tail **7**, the tail extending out of the second aperture, the tail having a greater radial extent than a radial extent of at least a portion of the second aperture (Figure 1, column 2 lines 27-30).

Gapp et al. fail to disclose an aircraft wherein the first structure includes a composite material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the aircraft as disclosed by Gapp et al. to have a first structure including a composite material as such material is a well-known, widely used and commercially available material within the art.

8. Claims 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gapp et al. in view of Bannink, Jr. (US 4,556,591).

As to claim 40, Gapp et al. disclose a system comprising a sealant proximate to the coupling device.

Bannink, Jr. teaches a system comprising a sealant **30** proximate to a coupling device **28**; the sealant providing a non-conductive connection between first and second structures **16,18** and preventing corrosion of the coupling device (Figure 2, column 4 lines 25-29). Accordingly, it would have been obvious for one having ordinary skill in the art at the time the invention was made to have modified the system as disclosed by Gapp et al. to have a sealant as taught by Bannink, Jr. in order to providing a non-conductive connection between first and second structures and to prevent corrosion of the coupling device.

As to claim 48, Gapp et al. disclose an aircraft comprising a sealant proximate to the coupling device.

Bannink, Jr. teaches a system comprising a sealant **30** proximate to a coupling device **28**; the sealant providing a non-conductive connection between first and second structures **16,18** and preventing corrosion of the coupling device (Figure 2, column 4 lines 25-29). Accordingly, it would have been obvious for one having ordinary skill in the art at the time the invention was made to have modified the aircraft as disclosed by Gapp et al. to have a sealant as taught by Bannink, Jr. in order to providing a non-conductive connection between first and second structures and to prevent corrosion of the coupling device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to coupling devices:

Neill (US 3,505,923), Borowsky (US 3,169,418) and Sherrill (US 3,001,279) are cited for pertaining to devices comprising a first section extending through a first aperture, and a second section extending through a second aperture.

Wilder (US 2,834,998) is cited for pertaining to devices comprising a sealant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF
10/05/05

Daniel P Stodola

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600